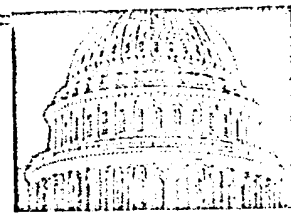


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DOES FREEDOM OF THE PRESS INCLUDE IRRESPONSIBILITY?



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(No more tragic episode in the relations between the press and the Government has occurred in wartime than the publication of the classified documents contained in a "Pentagon Study" prepared by 36 civilians assigned to research the history of our involvement in Vietnam. One of them has confessed that he gave the documents to several newspapers and is ready to face prosecution.

But what is the responsibility of the press? Should documents stolen from the Government be published, especially during wartime, without consulting the Government and at least affording an opportunity to the highest officials of the Administrations concerned to give their side of the story?

During World War I and World War II, a "voluntary censorship" was established whereby the press was able to confer with a governmental agency from which it could be ascertained whether the printing of certain news items would be harmful to the country. There was cooperation not by limitation of the freedom of the press or by any law, but solely by volition.

A few days before the Supreme Court ruled on the "Pentagon Study" case, a significant editorial was published in "The Detroit News." Its Editor is Martin S. Hayden, who was formerly a prominent Washington correspondent and is familiar with national and international affairs. The editorial is reprinted in full on this and the preceding page.—David Lawrence, Editor)

"Our Colleagues Err on War Secrets Issue"

An editorial on the front page of "THE DETROIT NEWS," Sunday, June 27, 1971

THE DETROIT NEWS does not agree with those of our press colleagues contending that national interest—and the cause of a free press—are served by the current battle over publication of secret Pentagon papers.

As the U. S. Supreme Court considers a case which could produce a new interpretation of the rights and responsibilities of the press in a democracy, this newspaper wants to emphasize that, though we will be affected and bound by the decision, the newspaper lawyers in the court are not speaking for The Detroit News.

We do not believe the New York Times and other involved newspapers acted responsibly and in the public interest when—without even trying to use established procedures for declassification of secret papers—they chose to publish an edited version of what it now appears was an incomplete account of our involvement in the Vietnam war.

Despite our devotion to, and dependence upon, the basic rights guaranteed under the First Amendment, we do not accept the premise that the doctrine of a free press is an unrestricted license to print any secret document, the publication of which, in an individual editor's opinion, would be in the national interest.

Finally, we consider as unfactual the current contention by some newspapers that there never before has been any prepublication restriction on what newspapers decide to print.

Our brief includes several points:

First, carried to its logical conclusion, the Times theory would permit publication of any government secret—the design of a Polaris missile, contingency war

plans, intelligence reports on enemy war preparations—provided only that the editor believed such publication would be in the national interest.

Such a conclusion, we believe, would result in a disastrous (for the press) collision between press freedom and the manifest democratic need for orderly government.

Granted, the bureaucratic tendency to cover mistakes with a "top secret" stamp is a problem. It always has been and newspapers have an obligation to fight it. But the solution does not lie in a grant to an individual—be he editor, scientist or public official—of power to substitute his personal definition of national interest as a basis for declassification.

To argue otherwise would be to accept the thesis of defenders of Dr. Klaus Fuchs that his betrayal of Anglo-American atomic secrets was justified by his sincere conviction that a better world would result from their delivery by him to the Soviet Union.

Newspapers which have published the Vietnam war papers protest that, in stopping them by court action, the Justice Department sought to establish a precedent of prior restraint upon newspaper publication.

Is that true? Forgetting the national defense field, is it not accepted that both state and federal judges use "prior restraint" to protect their own secrets? Would any of the judges to whom the Times appealed last week have listened for a minute to a contention that a newspaper which acquired a transcript of a grand jury investigation of organized crime had a right to publish it on the ground that Mafia operations con-

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